

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

CIVIL NO. 08-1010 (RHK/JSM)

Plaintiff,

v.

PRETRIAL SCHEDULING ORDER

TREK BICYCLE CORPORATION,

Defendant.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

Pleadings and Disclosures

- |                   |   |
|-------------------|---|
| August 29, 2008 - | All pre-discovery disclosures required by Rule 26(a)(1), including production of documents, shall be completed on or before this date.  |
| October 1, 2008 - | All motions which seek to amend the pleadings or add parties must be served and filed on or before this date, and shall include a redlined version reflecting the changes contained in the proposed amended pleading. This deadline does not apply to motions which seek to amend the complaint to add a claim for punitive damages. Such motions must be brought on or before the non-dispositive motion deadline. |

Discovery and Nondispositive Motions

Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

- |                  |                         |
|------------------|-------------------------|
| May 27, 2009 -   | By plaintiff            |
| May 27, 2009 -   | By defendant            |
| August 1, 2009 - | Rebuttal by all parties |

- June 8, 2009 - All fact discovery of any kind shall be commenced in time to be completed by this date.
- September 1, 2009 - All expert discovery of any kind, including expert depositions, shall be commenced in time to be completed by this date.
- September 15, 2009 - All non-dispositive motions and supporting pleadings (affidavits, memorandum of law, and proposed order), including those which relate to discovery and any request for extension of this Pretrial Scheduling Order, shall be served, filed and HEARD by this date. Prior to scheduling any non-dispositive motion, the parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through a telephone conference with the Magistrate Judge. To the extent that formal discovery motions will be filed, non-dispositive motions may be scheduled for hearing by calling Katherine Haagenson, Calendar Clerk to Magistrate Judge Janie S. Mayeron, (651) 848-1190. A Reply Memorandum not exceeding 1750 words (including footnotes) may be delivered to opposing counsel and the chambers of this Court no later than 9:00 a.m. on the business day preceding the hearing, so long as the total word count for the original and reply memorandum does not exceed 12,000 words. All non-dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1, 37.1 and 37.2. When a motion, response or reply brief is filed on ECF, two paper courtesy copies of the pleading and all supporting documents shall be mailed or delivered to the undersigned in an envelope addressed to Katherine Haagenson, Calendar Clerk, contemporaneously with the documents being posted on ECF.

#### Dispositive Motions and Trial

- December 1, 2009 - All dispositive motions (affidavits, memorandum of law, and proposed order), shall be served, filed and HEARD by this date. Counsel for the moving party shall call Calendar Clerk Deb Siebrecht, 651-848-1166 to schedule the hearing. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1. When a motion, response or reply brief is filed on ECF, two paper courtesy copies of the pleading and all supporting documents shall be mailed or delivered to Calendar Clerk Deb Siebrecht, 651-848-1166 contemporaneously with the documents being posted on ECF.

This case shall be ready for trial as of March 1, 2010. The parties estimate that trial of this Jury matter will take 14 days.

#### General

No more than 20 depositions shall be taken per party.

No more than 25 Interrogatories (including all subparts) shall be served per party.

The Court will not establish the number of written discovery devices which may be employed by the parties not covered in this Order. The attention of the parties is called to the provisions of Rule 26(g)(2). If necessary, the Court will rule on objections to specific discovery. See also Rule 26(g)(3) and Rule 37(a)(4).

Each party may depose all disclosed experts.

Each party may call all disclosed experts at trial.

#### Protective Order and Electronic Discovery

The parties intend to enter into a protective order. In the interim, any documents which any producing party believes should be governed by a protective order shall be produced to opposing counsel for the attorney's review only. After the protective order is entered, the producing party shall designate the documents under the protective order.

The parties wish to produce documents in traditional paper format. Should the need for electronically-stored information arise for either party, the parties have agreed that upon a request associated with such a need, they will hold a meet and confer regarding that request. Should the parties be unable to agree regarding the handling of the request, the requesting party will bring a motion to compel.

Dated: August 26, 2008

s/ Janie S. Mayeron  
JANIE S. MAYERON  
United States Magistrate Judge